

ABSTRACT

Thesis Title : The Legal Problems Concerning Reforestation for Commercial Purposes

Student's Name : Mr.Chavalit Kositnitikul

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1. Assoc. Prof. Prasert Tansiri Chairperson
2. Mr.Suvat Singhapant

For the past 2-3 decades the Thai economy has grown rapidly because of the expansion of agricultural and industrial exports, especially agricultural products. This is a result of the expansion of the agricultural area in Thailand by encroachment into forest areas, therefore reducing the forest resource. The rapid impact on the forest natural resource capacity has resulted in low productivity, and forest products could not meet domestic consumption requirements. Thailand has imported wood and wood products in great quantity per year, and such a trend is expected to be increasing in the future.

Because of the afore mentioned situation in Thailand, some measures have been made for forest improvement, to construct a forest area in the National Forest Plan to produce wood and non-wood products for domestic demand, to supplement imports. One of the measures is to provide incentives for private reforestation through commercial businesses. Parliament enacted Reforestation Act B.E. 2535 in 1992 for this purpose. This act has more flexibility than the

Forest Act B.E. 2484, such as waiving royalties for wood cutting from reforested areas and logging in reforested areas. The new Act of B.E. 2535 is more straightforward in terms of rules and regulations, therefore it would encourage reforested area owners to invest in reforestation.

However, the Reforestation Act B.E. 2535, is not yet adequate and efficient enough to give support and to protect the rights and benefits the owner of a logging operation, including collection, selling, possession or transporting of non-wood products obtained from the reforested area. Problems still exist concerning registration of reforestation (regarding non-reserved tree species), uncertainty of the private sector to invest in reserved forest areas for reforestation, the availability of seeds and seedlings, inconvenience in collection, trading, and possession or transportation of non-wood products obtained from reforested areas. This also includes the problem of registering reforestation that was performed on land with a clearance grant, which remains to the present day. These are important obstacles, and have an important impact on the state reforestation incentive in private sector policy. The Reforestation Act B.E. 2535 has been unsuccessful, and therefore should be improved and revised. These revisions must include laws and related regulations to make more efficient instruments to provide incentives to reforestation in the future.